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August 8, 2013

VIA ECF

The Honorable James L. Robart
United States District Court
Western District of Washington
700 Stewart Street, Suite 14128
Seattle, WA 98101-9906

Re: *Microsoft Corp. v. Motorola, Inc., et al.*, No. 10-cv-1823-JLR

Dear Judge Robart,

We write to seek the Court's permission to file a motion asking the Court to renew and expand its anti-suit injunction to curtail Motorola's ongoing efforts in Germany to undercut the jurisdiction of this Court and to attempt to procure inconsistent rulings. These actions have occurred both in the German action that was the subject of the Court's earlier anti-suit order and in a *new* action in Germany. In the new action, Motorola is seeking to circumvent and undercut the Court's RAND royalty determination, to distract and burden Microsoft on the eve of the breach trial set to begin at the end of August and to further run up Microsoft's legal costs in defending those unnecessary actions. In these proceedings Motorola is seeking to collect royalties for Microsoft's German H.264 SEPs at amounts much higher than the world-wide royalty this Court has now set.

Specifically, in connection with the German action that was originally the subject of this Court's anti-suit injunction, Motorola has demanded that Microsoft by August 15, 2013 provide an extensive and burdensome accounting to Motorola, the ostensible purpose of which is to enable Motorola to claim patent infringement damages from Microsoft in excess of the H.264 RAND royalty rates set by this Court. Furthermore, on July 31, 2013, Microsoft was served with a complaint in a new lawsuit filed by Motorola in the Mannheim Regional Court, Docket # 2 O 79/13, alleging that Motorola accepted an Orange Book offer from Microsoft in excess of the H.264 RAND royalty set by this Court and alleging, moreover, that the license offer Motorola purports to have accepted also permits Motorola to recover past patent infringement damages from Microsoft in excess of the H.264 RAND royalty rates set by this Court. Microsoft must file its notice of defense to this new lawsuit by August 21, 2013.

The Court has ruled that Motorola is obligated to provide Microsoft worldwide RAND licenses to Motorola's 802.11 and H.264 SEPs, and has determined the RAND royalties for those SEPs. As the Court is aware, Microsoft has offered to tender payment in full to Motorola for sums currently due based on the 802.11 and H.264 royalties that the Court established. Motorola has not responded to Microsoft's tender. Microsoft remains willing to pay the royalty adjudicated by the Court.

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Very truly yours,

CALFO HARRIGAN LEYH EAKES LLP

/s/ Arthur W. Harrigan, Jr.

Arthur W. Harrigan, Jr.

AWH:fcf
cc: All Counsel (via ECF)

CERTIFICATE OF SERVICE

I, Florine Fujita, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
2. On the 8th day of August, 2013, I caused the preceding document to be served on counsel of record in the following manner:

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DATED this 8th day of August, 2013.

s/ Florine Fujita

 FLORINE FUJITA